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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**DALLAS BUYERS CLUB, LLC,**

Plaintiff,

v.

**JOHN HUSZAR**

Defendants.

Case No.: **3:15-cv-0907-AC**

DECLARATION OF DR KAL TOTH IN  
SUPPORT OF DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT

FRCP 56



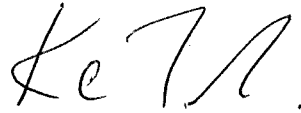
I, Kal Toth, declare as follows:

1. As Vice President of Systems Engineering, and later Vice President of Total Quality, at CGI Group, a company of over two thousand employees that developed software based systems for defense, transportation and communication applications including a highly secure messaging system for Canada's embassies abroad, I managed a team conducting independent verification and validation of this \$50M project.
2. As Director of Software Quality for Hughes Aircraft of Canada, I lead teams assuring the development of five air traffic control systems and the evolution of Hughes' software development process from a traditional model to a comprehensive iterative model.
3. I was also the director of two academic programs delivering software engineering and information technology courses to working professionals in Oregon and Western Canada.
4. I was asked to assess the reliability of the MaverickMonitor software, exploring the software development processes and work products used to create MaverickMonitor.
5. I was provided a copy of the MaverickMonitor source code. I was not been provided a copy of any documentation (theory of operation, requirements specification, user manual, architecture and design documents, test cases, test procedures, test data, test results etc.) associated with developing the code. I understand that the Plaintiff did not provide these artifacts to Defendant's counsel.
6. The only software documented in the code base was open source software "Monotorrent" and "SharpPcap" adapted by the MaverickMonitor developers.
7. I am familiar with the requirements for NIST forensic tool and software validation. I can confidently state that, in my expert opinion, or any expert's opinion, the MaverickMonitor software does not meet these requirements ensuring the reliability of this software system used for forensic purposes.
8. In my over 30 years of software engineering practice in industry and academia, I have never seen such poorly documented software put into commercial use for an operational information technology system.
9. There is no way that software of the quality deployed by MaverickMonitor would have been developed by CGI, or any company I have been associated with, due to the lack of documentation and poor quality of the source code.



I swear under the penalty of perjury under the laws of the United States of America that the above is true and correct.

Executed on: February 27, 2018

A handwritten signature in black ink, appearing to read "Ke T. A.", written above a horizontal line.

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Dr. Kal Toth  
Declarant